

AMENDED IN SENATE JANUARY 26, 2006

AMENDED IN SENATE JANUARY 23, 2006

AMENDED IN SENATE JANUARY 17, 2006

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 1032

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Sections 331, ~~332, and 4332 of, and to amend, repeal, and add Section 4334 of, and 332 of~~ the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Hollingsworth. Antelope, ~~elk, and deer and elk~~ hunting.

~~(1)~~ Existing law authorizes a resident of the state to obtain a license tag for the taking of antelope or elk if certain requirements are met. Existing law fixes the fee for an antelope license tag at \$55 per person and the fee for an elk license tag at \$165 per person, and specifies that only a resident of the State of California possessing a valid hunting license may obtain a license tag for the taking of antelope or elk, as provided. Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale of a specified number of antelope, elk, and deer license tags that may be sold at auction to residents or nonresidents, as provided.

This bill would authorize any person generally, without regard to residency, to obtain an antelope or elk license tag if certain requirements are met. The bill would also require the commission on or before July 1, 2007, and by regulation, to fix the antelope license

tag fee for a nonresident of the state at not less than \$55 and to fix the elk license tag fee for a nonresident of the state at not less than \$165.

~~(2) Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale, by auction or other method, of not more than 10 deer license tags to raise funds for programs and projects to benefit deer. Existing law continuously appropriates funds derived from the sale of license tags to the department for a deer herd management program.~~

~~This bill would, beginning January 1, 2008, increase the number of deer license tags authorized to be sold to 100. The bill would require the department to authorize specified nonprofit conservation organizations to sell the license tags. The bill would delete the provision continuously appropriating funds derived from the sale of these license tags to the department, and instead would require the department to expend those funds, upon appropriation, for specified purposes, including, but not limited to, the reimbursement of nonprofit conservation organizations for their actual costs incurred in connection with the sale of the license tags.~~

~~The bill would require the commission to annually direct the Al Taucher's Preserving Hunting and Sport Fishing Opportunities Advisory Committee to make certain recommendations regarding deer license tags.~~

~~(3) Existing law permits any resident of this state who possesses a valid hunting license to procure one license tag for the taking of one deer, as provided. Existing law continuously appropriates funds derived from the sale of these license tags to the department for a deer herd management program.~~

~~This bill would delete the provision continuously appropriating funds to the department, and instead require the department to expend those funds for a deer herd management program upon appropriation.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 331 of the Fish and Game Code is
- 2 amended to read:
- 3 331. (a) The commission may determine and fix the area or
- 4 areas, the seasons and hours, the bag and possession limit, and
- 5 the sex and total number of antelope (*Antilocapra americana*) that

1 may be taken under regulations which the commission may adopt
2 from time to time. Only a person possessing a valid hunting
3 license, who has not received an antelope license tag under these
4 provisions during a period of time specified by the commission,
5 may obtain a license tag for the taking of antelope.

6 (b) The department may issue a license tag upon payment of a
7 fee. The fee for a license tag shall be fifty-five dollars (\$55) for a
8 resident of the state, as adjusted under Section 713. On or before
9 July 1, 2007, the commission shall, by regulation, fix the fee for
10 a nonresident of the state at not less than a fee of fifty-five dollars
11 (\$55), as adjusted under Section 713. The fee shall be deposited
12 in the Fish and Game Preservation Fund and shall be expended,
13 in addition to money budgeted for salaries of persons in the
14 department, for the expense of implementing this section.

15 (c) The commission shall direct the department to annually
16 authorize not less than one antelope tag or more than 1 percent of
17 the total number of tags available for the purpose of raising funds
18 for programs and projects to benefit antelope. These tags may be
19 sold at auction to residents or nonresidents of the state or by
20 another method and are not subject to the fee limitation
21 prescribed in subdivision (b).

22 SEC. 2. Section 332 of the Fish and Game Code is amended
23 to read:

24 332. (a) The commission may determine and fix the area or
25 areas, the seasons and hours, the bag and possession limit, and
26 the number of elk that may be taken under rules and regulations
27 which the commission may adopt from time to time. The
28 commission may authorize the taking of tule elk if the average of
29 the department's statewide tule elk population estimates exceeds
30 2,000 animals, or the Legislature determines, pursuant to the
31 reports required by Section 3951, that suitable areas cannot be
32 found in the state to accommodate that population in a healthy
33 condition.

34 (b) Only a person possessing a valid hunting license may
35 obtain a license tag for the taking of elk.

36 (c) The department may issue an elk license tag upon payment
37 of a fee. The fee for a license tag shall be one hundred sixty-five
38 dollars (\$165) for a resident of the state, as adjusted under
39 Section 713. On or before July 1, 2007, the commission shall, by
40 regulation, fix the fee for a nonresident of the state at not less

1 than one hundred sixty-five dollars (\$165), as adjusted under
2 Section 713. The fees shall be deposited in the Fish and Game
3 Preservation Fund and shall be expended, in addition to money
4 budgeted for salaries of the department, for the expense of
5 implementing this section and Section 3951.

6 (d) The commission shall annually direct the department to
7 authorize not more than three elk hunting license tags for the
8 purpose of raising funds for programs and projects to benefit elk.
9 These license tags may be sold at auction to residents or
10 nonresidents of the state or by another method and are not subject
11 to the fee limitation prescribed in subdivision (c).

12 ~~SEC. 3. Section 4332 of the Fish and Game Code is amended~~
13 ~~to read:~~

14 ~~4332. (a) Any resident of this state, 12 years of age or over,~~
15 ~~who possesses a valid hunting license, may procure one license~~
16 ~~tag for the taking of one deer by one person during the current~~
17 ~~license year, upon payment of the base fee of ten dollars (\$10)~~
18 ~~for the license year beginning July 1, 1986, and the base fee as~~
19 ~~adjusted under Section 713 for subsequent license years.~~

20 ~~(b) Any nonresident of this state, 12 years of age or over, who~~
21 ~~possesses a valid hunting license, may procure one license tag for~~
22 ~~the taking of one deer by one person during the current license~~
23 ~~year, upon payment of the base fee of one hundred dollars (\$100)~~
24 ~~for the license year beginning July 1, 1986, and the base fee as~~
25 ~~adjusted under Section 713 for subsequent license years.~~

26 ~~(c) If provided in regulations adopted by the commission~~
27 ~~under Section 200, any resident of this state, 12 years of age or~~
28 ~~over, who possesses a deer tag may procure one additional deer~~
29 ~~tag for the taking of one additional deer during the current license~~
30 ~~season, upon payment of the base fee of twelve dollars and fifty~~
31 ~~cents (\$12.50) for the license years beginning July 1, 1986, and~~
32 ~~the base fee as adjusted under Section 713 for subsequent license~~
33 ~~years.~~

34 ~~(d) If provided in regulations adopted by the commission~~
35 ~~under Section 200, any nonresident of this state, 12 years of age~~
36 ~~or over, who possesses a deer tag may procure one additional~~
37 ~~deer tag for the taking of one additional deer during the current~~
38 ~~license season, upon payment of the base fee of one hundred~~
39 ~~dollars (\$100) for the license year beginning July 1, 1986, and~~

1 the base fee as adjusted under Section 713 for subsequent license
2 years.

3 ~~(e) The revenue received pursuant to this section shall be~~
4 ~~deposited in the Fish and Game Preservation Fund, and upon~~
5 ~~appropriation by the Legislature, shall be expended by the~~
6 ~~department for the purpose of implementing the deer herd~~
7 ~~management plans prepared pursuant to Chapter 5 (commencing~~
8 ~~with Section 450) of Division 1.~~

9 SEC. 4. Section 4334 of the Fish and Game Code is amended
10 to read:

11 4334. —(a) (1) ~~The commission shall annually direct the~~
12 ~~department to authorize, pursuant to Section 1054.8, the sale of~~
13 ~~not more than 10 deer license tags solely for the purpose of~~
14 ~~raising funds for programs and projects to benefit deer. These~~
15 ~~tags may be sold to residents or nonresidents of the state at~~
16 ~~auction or by any other method and are not subject to the fees~~
17 ~~prescribed by Section 4332.~~

18 ~~(2) Upon appropriation by the Legislature, all funds derived~~
19 ~~from the sale of these tags shall be expended by the department~~
20 ~~to implement Chapter 5 (commencing with Section 450) of~~
21 ~~Division 1. These funds shall augment, not supplant, any other~~
22 ~~funds appropriated to the department for the preservation,~~
23 ~~restoration, utilization, and management of deer. All revenues~~
24 ~~derived from the sale of these tags shall be remitted to the~~
25 ~~department by the seller.~~

26 ~~(b) This section shall remain in effect only until January 1,~~
27 ~~2008, and as of that date is repealed, unless a later enacted~~
28 ~~statute, that is enacted before January 1, 2008, deletes or extends~~
29 ~~that date.~~

30 SEC. 5. Section 4334 is added to the Fish and Game Code, to
31 read:

32 4334. —(a) ~~The commission shall annually direct the~~
33 ~~department to authorize, pursuant to Section 1054.8, the sale of~~
34 ~~not more than 100 deer license tags solely for the purpose of~~
35 ~~raising funds for programs and projects to benefit deer. The~~
36 ~~department shall authorize nonprofit conservation organizations~~
37 ~~whose mission includes conservation of deer and other wildlife to~~
38 ~~sell these tags to residents or nonresidents of the state at auction~~
39 ~~or by any other method and are not subject to the fees prescribed~~

1 by Section 4332. The seller shall remit revenues derived from the
2 sale of these tags to the department.

3 (b) Upon appropriation by the Legislature, all funds derived
4 from the sale of these tags shall be expended by the department
5 for both of the following purposes:

6 (1) To implement Chapter 5 (commencing with Section 450)
7 of Division 1. These funds shall augment, not supplant, any other
8 funds appropriated to the department for the preservation,
9 restoration, utilization, and management of deer. The priority use
10 of these funds shall be to purchase conservation easements from
11 willing landowners who manage their lands consistent with
12 Chapter 5 (commencing with Section 450).

13 (2) To reimburse the nonprofit conservation organizations who
14 sell the tags for their actual costs incurred in connection with the
15 sale.

16 (c) The commission shall annually direct the Al Taucher's
17 Preserving Hunting and Sport Fishing Opportunities Advisory
18 Committee to make recommendations to the commission on all
19 of the following matters:

20 (1) Method of sale for each deer license tag by auction, raffle,
21 sealed bid, or otherwise.

22 (2) Method of allocating deer license tags to qualified
23 nonprofit conservation organizations.

24 (3) Deer license tag zones.

25 (4) Special hunting and fishing season dates.

26 (5) Allocation of funds derived pursuant to subdivision (a).

27 (d) For the purpose of determining the number of deer license
28 tags authorized to be sold pursuant to this section, the department
29 shall utilize the best available scientific data.

30 (e) The implementation of this section shall not cause an
31 increase in the annual allocation of deer license tags.

32 (f) This section shall become operative on January 1, 2008.